

REMARKS

Reconsideration and allowance of the above-captioned patent application are respectfully requested. This application relates to selective non-steroidal glucocorticoid receptor modulators.

Status of Claims

Claims 1 to 21 are currently pending in the application. The Examiner has objected to the Specification for the alleged improper use of trademarks. Claims 1 to 18 were objected to as drawn to non-elected subject matter, but were indicated as being allowable if properly amended and drawn only to elected subject matter. This indication of allowability is appreciatively acknowledged. Claim 17 has been objected to for the alleged improper incorporation of tables in the claims. Claims 19 to 21 have been rejected under 25 U.S.C. § 112, first paragraph.

This Amendment cancels Claims 1 to 7 and 19 to 21 and amends Claims 8, 9, 11, 15 and 17. Upon entry of this Amendment, claims in the application will be Claims 8 to 18. All objections and rejection pertaining to Claims 1 to 7 and 19 to 21 are rendered moot by their cancellation.

Response to Objections and Rejections

In the Specification, Applicants have amended the format of the trademarks BIOTAGE and SEPHADEX to indicate their use as such. Withdrawal of the objection to the Specification is respectfully requested.

Applicants have amended Claims 8, 9, 11, 15 and 17 such that Claims 8 to 18 are drawn only to elected subject matter. Withdrawal of the objection to the claims in this respect is respectfully requested.

Applicants respectfully traverse the objection to Claim 17. M.P.E.P. 2173.05(s) limits the use of incorporation by reference to a specific figure or table in the claims to exceptional circumstances only. M.P.E.P. 2173.05(s) does not prohibit the incorporation not by reference of tables into the claims. In instant Claim 17, Applicants did not incorporate by

reference any tables, but have inserted the tables in the claim itself. Thus, Claim 17 is proper in its current format. In any event, Applicants have deleted the table headings from Claim 17.

Amendment of Inventorship Pursuant to 37 C.F.R. § 1.48(b)

As a result of this Amendment, fewer than all the currently named inventors are actual inventors of the invention being claimed. Please delete the following inventors pursuant to 37 C.F.R. § 1.48(b):


Donald W. Graham
Christopher F. Thompson

The above inventors' inventions are no longer being claimed in the captioned non-provisional patent application. Please charge the processing fee set forth in § 1.17(i) to Merck Deposit Account No. 13-2755.

Final Remarks

Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

By 
Raynard Yuro
Reg. No. 45,570
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-0182

Date: August 6, 2007